

**REMARKS**

This responds to the Office Action dated July 15, 2008.

No claims are amended, claims 1-3, 6-12, 26-28, 30-38 and 40-43 are canceled, and claims 44-68 are added; as a result, claims 44-68 are now pending in this application.

Claim 44-68 are new. Applicant respectfully submits claims 44-68 do not include new matter. Further, Applicant submits claims 44-68 distinguish over the cited references. For instance, the Office Action states at page 5, first paragraph, “Although the outer electrode may be deformed during compression to generate the weld, the process is intentional and thus the electrode is not considered to be damaged.” Additionally, the Office Action states at page 6, “Despite the crimping shown in the figures at reference numeral 50, the electrode surface is deformed but not damaged.” Because the cited references teach localized deformation of the outer electrode, Applicant respectfully submits the cited references conversely fail to teach, for example, the second outer electrode includes an outer surface, and the outer surface maintains an identical non-deformed geometry in the non-engaged orientation and the engaged orientation (e.g., a cylinder having an identical shape), as recited in claim 44. Claims 45-54 depend from claim 44 and thereby include all of its recitations.

Moreover, Applicant submits claim 55 distinguishes over the cited prior art. For instance, Ufford refers to Figure 2 and states at page 2, lines 58-62, “a slightly elongated larger inner coil relief channel 22 . . . provides for coil relief from distal inner end 22.1 of channel 22 to distal inner end 20.1 of internal diameter 20.” Further, Figure 4 shows and column 3, lines 45-47 of Bornzin state, “Crimps 50 maintain coiled conductor 54 tightly fixed between swaging pin 48 and tubular portion 46 of electrode 26.” Because both cited references teach engagement of the conductor proximal to the conductor distal tip, Applicant respectfully submits the cited references conversely fail to teach at least, for example, the conductor distal portion is continuously annularly engaged between the first inner electrode and the second outer electrode from the conductor distal tip along the conductor distal portion, as recited in claim 55. Claims 56-68 depend from claim 55 and thereby include all of its recitations.

Consideration and allowance of claims 44-68 are respectfully requested.

Specification Objection

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Applicant has canceled claim 7 and its associated dependents that referred to the “means for engaging” described in the Office Action at page 2 thereby making this objection moot.

§112 Rejection of the Claims

Claims 1-3, 6-12, 26-28, 30-38 and 40-43 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Applicant has canceled claims 1-3, 6-12, 26-28, 30-38 and 40-43 thereby making these rejections moot.

§§102/103 Rejections of the Claims

Claims 1-3, 6-12, 27, 30-38, 40-43 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Ufford et al. (U.S. Patent No. 4,328,812), alone or in view either of Muench (U.S. Patent No. 3,769,984) or Swoyer et al. (U.S. Patent No. 6,026,567). Applicant has canceled claims 1-3, 6-12, 27, 30-38 and 40-43 thereby making these rejections moot.

Claims 1-3, 6-12, 27, 30-38 and 40-43 were rejected under 35 U.S.C. § 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bornzin et al. (U.S. Patent No. 4,502,492), alone or alternatively, in view either of Ufford et al. (U.S. Patent No. 4,328,812) or Muench (U.S. Patent No. 3,769,984) and/or Swoyer et al. (U.S. Patent No. 6,026,567). Applicant has canceled claims 1-3, 6-12, 27, 30-38 and 40-43 thereby making these rejections moot.

§103 Rejection of the Claims

Claims 26, 28 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ufford et al. (U.S. Patent No. 4,328,812) alone or in view of Muench (U.S. Patent No. 3,769,984). Applicant has canceled claims 26, 28 and 33 thereby making these rejections moot.

Claims 26 and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bornzin (U.S. Patent No. 4,502,492) alone or alternatively in view of Ufford et al. (U.S. Patent No. 4,328,812) or Muench (U.S. Patent No. 3,769,984) and/ or Swoyer et al. (U.S. Patent No. 6,026,567). Applicant has canceled claims 26 and 33 thereby making these rejections moot.

### CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 612-371-2117 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date

9/15/08

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 15 day of September 2008.

Name

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Signature

